

Memorandum of Understanding (MOU)

This Memorandum of Understanding (MOU) is made and entered into this 31st day of October, 2007 by and between European Economic Chamber of trade, Commerce and Industry-Nepal and Danish Federation of Small and Medium Sized Enterprises Denmark herein after referred to as EEC-Nepal and DFSME respectively.

Whereas, the parties have accepted in principle to work together as partners to implement "Enhancing the Capacity of Intermediary Business Organizations in Nepal" ECIBON (Contract No : ASIE/2007/133-329) funded by the European Union under Asia Invest Program; and-

Whereas, the Parties wish to enter into a partnership to define their respective roles and responsibilities to meet the project objectives successfully.

Now Therefore, for good and valuable consideration signatories below hereby enter into this MOU for Partnership Agreement on behalf of themselves, successors and assigns, and set forth following terms and conditions as constituting the Partnership Agreement in its entirety.

1. The partnership shall go by the following name: ECIBON Partners.
2. The partnership's principle place of business shall be in Kathmandu, Nepal.
3. The partnership composition shall be as follows.
 - a. European Economic Chamber of trade, Commerce and Industry (EEC)-Nepal.
 - b. Federation of National Cottage and Small Industries Nepal (FNCSIN), Nepal.
 - c. Chamber of Commerce and Industry of Southern Sweden (CCISS), Sweden.
 - d. London Chamber of Commerce and Industry (LCCI), Great Britain.
 - e. The Danish Federation of Small and Medium-Sized Enterprises (DFSME), Denmark.
4. European Economic Chamber of Trade, Commerce and Industry (EEC)-Nepal will lead and implement the project through necessary assistance from above mentioned partners.
5. The first day that the partnership shall commence business from 1st September, 2007 and will continue until the project is successfully implemented or until forced cease its operations by law.
6. The activities mentioned below will be supported by DFSME through its personnel Z mentioned in the project document. The partnership's operations shall be primarily in the following activities as per the attached project document:
 - a. Assessment on three target sub-sectors of trade between Nepal and the EU. This assessment will be carried out in Nepal, Denmark, Sweden and the United Kingdom. The study will take 15 days and Person Z will carry out the necessary study for the assessment in April, May and June 2008. (Ref activities number 2.1.1)
 - b. General assessment of trade related procedures and requirements with specific reference to trade between Nepal and the EU partner should be carried out jointly by the project partners.

- Person Z will render 5 days of her services on August, September and October 2008. (Ref activities number 2.1.2.)
- c. Determination of the system to exchange business information between Nepali IBOs and European partners. Person Z will involve 33 days to support the program in November, and December 2008. (Ref Activities Number 2.2.1)
 - d. The business meeting in Europe between Nepalese partners and EU partners for international Kick-off further introduction and more detailed planning of project will be in October 2007 at LCCI. Person Z will represent DFSME at the Kick off meeting for 2 days (Ref activities number 3.2.1)
 - e. Determine and sign Memorandum of Understanding (MoU's) for cooperation between European partners and EEC-Nepal on October 2007. The signing of MoU will be taken place during end of October 2007. Person Z will be involved for one day to sign the MoU. (Ref activities number 3.2.2.)
 - f. Business meeting in Copenhagen, Denmark at DMSME for closure of the project agrees on future cooperation and evaluate the process and the results of the project on October 2009, Person Z will attend this program for two days.(Ref activities number 3.2.3)
 - g. Preparation of first annual EU Trade Report by EEC-Nepal with support of European and Nepalese IBOs for Nepalese IBOs and their members. Person Z will contribute 2 days to prepare an article in May, June and July 2009. (Ref activities number 2.2.3)
 - h. Person Z will be involved 4 days for overall reporting work of the project.
7. For executing the above activities on behalf of DFSME Person Z will receive unit fees rate of € 273.00 per working day and reimbursable (as per actual) up on the limit of the budget as per the contract document between the European Union and EEC-Nepal.
8. Control and Management of the partnership shall be on the shoulders of EEC Nepal.
9. Both parties will work together to meet the objectives of the project with in the stipulated time mentioned in the contract document.
10. DFSME will submit report of the activities as per mentioned time in the revised action plan to EEC-Nepal. EEC-Nepal will provide the reporting format as mentioned in the signed contract document to all partners.
11. Revised action plan, Project activity and allocated budget and Administrative organization of the project finalized and signed by the participants of the kick off meeting are the Integral part or annexes to the signed MoU.
12. Upon completion of the project the partnership will be promptly liquidated.
13. Any controversy or claim arising out of or relating to this Agreement, or the breach thereof, shall be settled by arbitration in accordance with the arbitration Rules of :
- 13.1 International Chamber of Commerce (ICC) - Nepal

- 13.2 The parties shall do every thing possible to settle any dispute amicably arising between them during implementation of this contract. To that end, they shall communicate their positions and any solution that they consider possible in writing, and meet each other at either's request. A party must reply to a request for an amicable settlement within 30 days. Once this period has expired, or if the attempt to reach amicably settlement has not produced agreement within 120 days of the first request, each party may notify the other that it considers the procedure to have failed.
- 13.3 In the event of failure to reach amicable agreement, the dispute may be common agreement of the parties be submitted to the conciliation of the European Commission if it is not the contracting authority. If no settlement is reached within 120 days of the opening of the conciliation procedure, each party may notify the other that it considers the procedure to have failed.
- 13.4 In the event of failure of the above procedures, each party may submit the disput to the courts of the contracting Authority, or to the Brussels courts where the contracting Authority is the European Commission.

IN WITNESS WHEREOF, The parties have executed this MOU as of the day and year first above set forth.

On Behalf of:

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Signature

Name : Mr. Dibya Mani Rajbhandari
Designation : President
European Economic Chamber (EEC)-Nepal
535/30 Kalikamarg, Dilly Bazar
PO Box : 8975, EPC 5412
Kathmandu, Nepal.



Witness :

RAVAKAR RANA
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On Behalf of:

.....
Signature

Name: Ms. Tine Bork
Designation: Chief Consultant
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Medium Sized Enterprises
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Witness :

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